

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits-L.A, SRBC – Nandyal unit- Kurnool District \_ OWK Village – OWK Mandal -OP.No. 115/97 and batch (13 Ops)- Market value enhanced from Rs.13500/- to 32,000/- per acre Appeals filed and dismissed by the Hon'ble High Court of A.P., Hyderabad – SLP filed and dismissed by Supreme Court-final decretal sanction orders-Issued.

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IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 231

Dated: 27-4-2010  
Read the following:

- 1) From the Special Chief Secretary to Government & CCLA, A.P. Hyderabad Lr.No. SRP4/976/09, Dated: 26.12.2009
- 2) From the Special Collector, S.S.P. Kurnool Lr.Rc.No. B6/258/2009, dt: 27.9.2009

O R D E R:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and Special Collector, S.S.P. Kurnool in the letters Ist and 2<sup>nd</sup> read above has submitted decretal charge proposal in O.P.No.115/97 and batch (13 OPs) for an amount of Rs. 32,19,897/- for an extent of Ac. 53.35 dry land in Sy.No. 1813 acquired etc., through Award No. 19/1990-91, Dated: 18.2.91 for barrow area for formation of embankment across paleru valley. The S.D.C, L.A, SRBC, Nandyal had acquired an extent of Ac.53.35 dry land in Sy. No.1813 etc., of Owk Village by fixing the market value Rs. 13,500/- per acre through Award No. 19/1990-91, Dt.18.2.91 for barrow area for formation of embankment across paleru valley. Aggrieved with the market value awarded by the LAO, the awardees have filed petitions u/s 18(1) of references of L.A. act with request to refer their matter to the Civil Court for adjudication. On making references u/s 18 of L.A. Act to the Lower Court, the Senior Civil Judge, Atmakur had delivered judgments enhancing the market value from Rs.20,000/- p.a in OP.No.115/97 batch (13 Ops) dt. 12.4.2000. The Hon'ble High Court of A.P., Hyderabad enhanced the market value from Rs. 20,000/- to Rs. 32,000/- per acre. The cross objections allowed by the Hon'ble High Court is not justified and hence SLP has been filed in the Supreme Court of India against the enhancement made by the Hon'ble High Court .But Supreme Court of India has dismissed the SLP on 20.4.2009 and out of the 17 OPs, SLP has been preferred in 3 batches i.e. 14 cases in O.P. No. 115/1997 etc., in first batch, two cases in O.P.No. 117, 122/1997 in the second batch and O.P.No. 120/1997 in the third batch. The Hon'ble Supreme Court of India has dismissed the SLPs filed by the SDC, L.A.SRBC, Nandyal office and communicated orders as per Advocate on records Letter No. APLC/SO/JA/(SP)Irri.186/N/2007, dt:24.4.2009. The SLP filed in respect of O.P.No. 117/97 and 122/97 were also dismissed and proposals for an amount of Rs.32, 19,897/- towards final payment of decretal charges are submitted.

2. After careful examination of the matter, Government is hereby accord sanction for an amount of Rs. 32, 19,897/- (Rupees Thirty Two Lakhs Nineteen thousand Eight hundred Ninety seven only) towards final decretal charges to be deposited in Lower Court in O.P.No.115/97 and batch (13 O.Ps) pertaining to Owk Village Owk Mandal, Kurnool District acquired for the purpose of barrow area for formation of embankment across Paleru valley subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution

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petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, SSP, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

3. The Special Collector, SSP, Kurnool is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid.

4. The amount sanctioned in Para (2) above shall be debitable to the Head of Account under "2701-COL. on Major and Medium Irrigation-01-Major Irrigation (Commercial)- MH 123-SRBC; GH.11-Normal State Plan, S.H. (27) Canals and Distributaries, 530 Major Works 532-Lands (charged). In the case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 1248/F4 (1)/10-1, Dated: 19.3.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,  
SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & C.C.L.A. A.P. Hyderabad

The Special Collector, SSP, Kurnool

The Special Deputy Collector, L.A. S.R.B.C.Nandyal

The Chief Engineer, Irrigation, Hyderabad

The Revenue Divisional Officer, Nandyal

The Superintending Engineer, I & CAD, Kurnool

The Director of Works and Accounts, Hyderabad

Copy to

P.S. to Minister ( M & MI)

Law Department/Finance (W&P) Department

C.No. 438/L.A.II/A1/2010

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//SECTION OFFICER//